

## LABOUR DEPARTMENT

The 2<sup>th</sup> February, 1981

No. 9(1)-81-8 Lab/1339.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Sanjeev Enterprises 12/2, Mathura Road, Faridabad :—

BEFORE SHRI M. C BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 54 of 1980

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. SANJEEV ENTERPRISES, 12/2,  
MATHURA ROAD, FARIDABAD

*Present.—*

Shri S.R. Gupta, for the workman.

Shri Sanjeev Sawhney, for the management.

## AWARD

By order No. ID/FD/125-80/52933, dated 13th October, 1980, the Governor of Haryana, referred the following dispute between the management of M/s Sanjeev Enterprises, 12/2, Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 19 of the Industrial Disputes Act, 1947 :—

Whether the workmen are entitled to the grant of bonus for the year 1977-78 at the higher rate than declared by the management? If so with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. Claim statement was filed by the workmen. But on the last date of hearing the representative for the workmen stated that the dispute has been settled mutually and the management had already paid bonus at the rate of 8.33 per cent and the workmen do not want to proceed further with the case.

In view of the statement given by the representative for the workmen, I give my award that the dispute has been settled between the parties and there is no dispute now pending between the parties.

Dated 27th January, 1981.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endorsement No. 110, dated 30th January, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 11th May, 1981

No. 9(1)-81-8Lab/4846.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Superintending Engineer, Cooperation Circle, Haryana State Electricity Board, Karnal :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 216 of 1979

*between*

SHRI YASH PAL, WORKMAN AND THE MANAGEMENT OF M/S SUPERINTENDING ENGINEER,  
OPERATION CIRCLE, HARYANA STATE ELECTRICITY BOARD, KARNAL

*Present.—*

Shri D. P. Pathik, alongwith workman.

Shri S. S. Sarohi, for the management.

## AWARD

This reference has been referred to this court by the Hon'ble Governor,—*via* his order No. ID/KNL/46-79/50899, dated 20th November, 1979, under section 10 (i) (c) of the I. D. Act, 1947, for adjudication of the dispute existing between Shri Yash Pal workman and the management of the Haryana State Electricity Board, Karnal. The term of reference was :—

Whether the termination of services of Shri Yash Pal was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same, filed their respective pleadings on the basis of which issues were framed on 22nd May, 1980 and the management was asked to adduce their evidence. After obtaining four-five adjournments for settlement the parties reached the same on 16th April, 1981 and the statement of the parties were recorded as under :—

Statement of Shri S. S. Sarohi, representative of the management.—

"The management has agreed to reinstate the workman with continuity of service under old terms and condition on which he was terminated and the intervening period will be treated as leave of absence and due. No back wages will be paid except leave salary admissible under rules.

Statement of Shri Yash Pal, workman concerned.—

"I have heard the statement of Shri S. S. Sarohi, representative of management. I accept the same and leave my claim of back wages out of this reference. Award may be made accordingly."

In view of their statements no further adjudication is required as the parties have settled the dispute referred to this court amicably. The reference is answered and returned in the above terms.

Dated the 20th April, 1981.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

Endst. No. 1409, dated the 24th April, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak

No. 9(1)-81-8 Lab/4857.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of the Executive Engineer, Canal Lining Division No. 21, Panipat :—

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 122 of 1980

between

SHRI MOHAN SINGH WORKMAN AND THE MANAGEMENT OF THE EXECUTIVE  
ENGINEER, CANAL LINING DIVISION NO. 21, PANIPAT

Present.—

Shri Madhu Sudan, for the workman.  
Shri S. C. Dhakka, for the management.

## AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/KNL/52-80/30675, dated the 20th June, 1980, under section 10(1) (c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Mohan Singh, workman and the management of the Executive Engineer, Canal Lining Division Panipat. The term of the reference was :—

Whether the termination of services of Shri Mohan Singh was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same on 6th August, 1980, filed their respective pleadings on the basis of which issue were framed on 17th November, 1980 and the parties were asked to lead their evidence on preliminary issues. After one adjournment on 15th April, 1981 the parties reached a settlement and statements of the parties were recorded as under :—

**Statement of Shri S. C. Dhakka, representative of the management :—**

"The management has reinstated the workman with full back wages and the period of suspension from 4th January, 1980 to 15th January, 1981 will be treated as duty period and will be paid in full. Award may be given accordingly."

**Statement of Shri Mehan Singh, workman concerned :—**

"I have heard the statement of the representative of the management and accept the same as correct."

In view of their statements no further adjudication is required as the parties have settled the dispute referred to this court amicably. The reference is answered and returned in the above terms.

Dated the 20th April 1981

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Endst. No. 1398, dated 24th April, 1981

Forwarded four copies to the Secretary to Government of Haryana Labour and Employment Departments. Chandigarh as required under Section 15 of the I.D. Act

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 9(1) 81-8Lab/4958.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Bijat Factory Modern Industrial Area, Bahadurgarh :

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 320 of 1978

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S BIJAT FACTORY, MODERN INDUSTRIAL AREA, BAHADURGARH

*Present.*—None for the workmen.

Shri N. M. Kaushal for the management.

#### AWARD

By order No. ID RTK 77 78/36496, dated 3rd August, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Bijat Factory, Modern Industrial Area, Bahadurgarh and its workmen, to this Tribunal, for a judgment in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the workmen should be given attendance cards ? If so, with what details ?
2. Whether the workmen are entitled to the grant of annual increments ? If so, with what details ?

3. Whether the workmen are entitled to housing accommodation or an allowance in lieu thereof ? If so, with what details ?
4. Whether the workmen are entitled to the grant of bonus for the year 1977-78 ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 1st June, 1979: —

1. Whether the factory has been closed ? If so, to what effect ?
2. Whether, the workmen should be given attendance cards ? If so, with what details ?
3. Whether the workmen are entitled to the grant of annual increments ? If so, with what details ?
4. Whether the workmen are entitled to housing accommodation or an allowance in lieu thereof ? If so, with what details ?
5. Whether the workmen are entitled to the grant of bonus for the year 1977-78 ? If so with what details ?

And the case was fixed for the evidence of the workmen who obtained many opportunities but did not produce any evidence. *Ex parte* proceedings were taken against the workmen because of their non-appearance but they moved an application to set aside the same which was so set aside and the case was again fixed for their evidence but on that date they did not appear. Therefore, their case was closed and the case was fixed for the evidence of the management who examined Shri J. K. Chopra as MW-1 and closed their case. Arguments were heard. Now I give my finding issuewise: —

*Issue No. 1.*—MW-1 stated that the factory had been closed with effect from 29th April, 1978. All the workmen except one had received their full and final settlement account. He filed copies of notice and settlement Exhibit M-1 to M-10. Believing *ex parte* evidence, I decide issue No. 1 in favour of the management that the factory was closed with effect from 29th April, 1978.

*Issues No. 2 to 5.*—As the factory was closed, therefore, there was no question of meeting the demands of the workmen.

As per my findings given above on the issues the workmen are not entitled to any relief.

Dated the 25th February, 1981.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal Haryana,  
Faridabad.

No. 205, dated 27th February, 1981

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9(1)81-8Lab/4979.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Hindustan Machine Tools, Ltd. Pinjore:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Complaint No. 13 of 1976 under section 33-A of the Industrial Disputes Act.

between

THE WORKMEN AND THE MANAGEMENT OF M/S HINDUSTAN MACHINE TOOLS  
LTD., PINJORE

Present:—

Shri J. C. Verma, for the workmen.

Shri Bhagirath Dass, for the management.

## AWARD

This is a complaint under section 33-A of the I. D. Act. Notice of complaint was sent to the opposite party, who appeared and filed reply. Following issues were framed on 21st September, 1977:—

1. Whether the management has contravened the provisions of section 33 of the Industrial Disputes Act, 1947?
2. Whether the management had authority under the law to bring change in the quantum of leave brought about by them?
3. Whether the workman have been benefited by the change brought about by the management?

And the case was fixed for the evidence of the workmen who examined Shri H. S. Paul General Secretary and closed their case. Then the case was fixed for the evidence of the management who examined Shri O. P. Bansal, their Personnel Manager as MW-1 and closed their case. Arguments were heard. I now give my findings issuewise:—

Issue No. 1—According to the complaint a dispute about annual leave was subject matter of adjudication in reference No. 51 of 1973 and it was decided, *vide* award published in Haryana Government Gazette dated 29th November, 1977 (Ex. M-1) that as FSI Scheme had been made applicable to the factory and leave was granted in accordance with that scheme hence the workmen were entitled to all leaves as provided to them under the certified Standing Orders. The complainants stated that the limit of Rs. 500 had been raised to Rs. 1000 arbitrarily by the management in respect of grant of leave. The learned representative of the management argued that the contention of arbitrary raising the limit was unfounded because it was done under the ESI Act which by an amendment (Act No. 38 of 1975) w. e. f. 30th November, 1975 had raised that limit. The learned representative for the workmen could not controvert the plea, hence I find that the management had not contravened section 33 of the I. D. Act. This issue is decided in favour of the management.

Issues No. 2 and 3.—As issue No. 1 has been decided in favour of the management hence, these issues need no decision.

As per finding given by me on issue No. 1 the workmen are not entitled to any relief in this complaint.

Dated the 23rd March, 1981.

M. C. BHARDWAJ,

Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

No. 353, dated 23rd April, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

No. 9(181-8Lab-4983.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Precision Stamping, Plot No. 106, Section-24, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 28 of 1980.

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S PRECISION STAMPING, PLOT  
NO. 106, SECTOR-24, FARIDABAD.

Present:—

Shri H. R. Dua for the workmen.

Shri S. L. Gupta for the management.

## AWARD

By order No. ID/FD/12-80/11444, dated 4th March, 1980, the Governor of Haryana referred the following dispute between the management of M/s. Precision Stamping, Plot No. 106, Sector-24, Faridabad and its workmen, to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workmen are entitled to the grant of bonus @ 20% for the year 1978-79 ?  
If so, with what details?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed and the case was fixed for the evidence of the workmen. On 26th March, 1981 the date fixed in the case, the representative for the management stated that a settlement has been arrived at between the parties and produced settlement Ex. M.-1. The representative for the workmen agreed to the settlement.

In view of the statements given by the parties, I give for award that the dispute has been settled between the parties and there is no dispute now pending adjudication

M. C. BHARDWAJ.

Dated the 30th March, 1981.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 362, dated 23rd April, 1981

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required under section 5 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9(1)81-8Lab/4993.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Gee Gee Textile Industrial Area, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD  
Reference No. 25 of 1981

between

SHRI MUSAFIR YADAV, WORKMAN AND THE MANAGEMENT OF M/S. GEE GEE  
TEXTILE, INDUSTRIAL AREA, FARIDABAD

Present :

None for the workman.

Shri Than Singh for the management.

## AWARD

By order No. ID/FD/135-80/6736, dated 4th February, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Gee Gee Textile, Industrial Area Faridabad and its workman Shri Musafir Yadav, to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Musafir Yadav was justified and in order ?  
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The workman did not appear. One Shri Than Singh Clerk of the management appeared on the date fixed. Then the case was fixed for 7th April, 1981. But on the date fixed none appeared for the parties and the case was dismissed for non-prosecution of the parties.

I, therefore, give my award that there is no dispute now pending for adjudication between the parties.

Dated the 7th April, 1981.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 373, dated 23rd April, 1981.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.